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# United States District Court

## EASTERN DISTRICT OF NORTH CAROLINA

CARTER STAN WHITE, )  
Plaintiff, )  
 )  
v. )  
 )  
UNITED STATES POSTAL SERVICE, )  
Defendant. )  
 )

**JUDGMENT IN A CIVIL CASE  
CASE NO. 5:08-CV-169-F**

       **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

X **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that this action hereby is DISMISSED without prejudice for failure to make timely service upon the Defendant in accordance with Rule 4(m) of the Federal Rules of Civil Procedure. The Defendant's Motion to Dismiss is DENIED as moot. The Clerk of Court is DIRECTED to close the case.

THE ABOVE JUDGMENT WAS ENTERED TODAY, **February 11, 2009**, AND A COPY MAILED VIA ELECTRONICALLY OR BY REGULAR MAIL TO:

Cindy C. Huntsberry  
P.O. Box 907  
Smithfield, NC 27577-0907

Tobin W. Lathan  
310 New Bern Avenue, Room 800  
Raleigh, NC 27601

February 11, 2009  
Date

DENNIS P. IAVARONE  
Clerk of Court

/s/ Susan K. Edwards

*Wilmington, North Carolina*

*(By) Deputy Clerk*